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UNITED STATES DEPARTMENT OF AGRICULTURE  
RESETTLEMENT ADMINISTRATION  
Land Utilization Division  
Land Use Planning Section

BULLETIN OF FEDERAL AND STATE LEGISLATION AFFECTING LAND USE

No. 13  
Week Ending April 1, 1937

(Primarily for the information of Land Use Planning personnel  
of the Resettlement Administration and collaborating offices  
and agencies.)

Legislatures adjourned:

Georgia - March 25

Nevada - March 18

North Carolina - March 23

I. FEDERAL LEGISLATION

PUBLIC LANDS

S. 1945. Mr. Thomas (Oklahoma)

To authorize the Secretary of Interior to grant concessions on reservoir sites or other lands under his jurisdiction which have been withdrawn or acquired in connection with irrigation projects, and to lease such lands for agricultural, grazing or other purposes for periods not exceeding 10 years.

To Committee on Indian Affairs March 19.

H. R. 5958. Mr. DeRouen.

To provide for the administration of the Oregon & California R. R. Grant and Coos Bay Wagon Grant lands. The Secretary of the Interior shall place such lands under a sustained yield forest management and, until determined otherwise, timber may be cut not to exceed 500,000,000 board feet or he may lease any lands usable for grazing. All money received shall be credited to the special funds for O. & C. lands and Wagon Grant lands.

Title II provides for the distribution of the O. & C. fund: 50% of receipts to be paid to counties in which lands re-vested, through the State Treasurer in proportion as the legislature may determine beginning June 30, 1938. 25% to be paid directly to counties on order of the Secretary of the Interior as a payment in lieu of taxes accrued prior to March 1, 1930 on a 1915 assessed valuation (44 Stats. 915). Payments are to continue until tax arrearages are paid. After that this portion of the fund shall be paid into the general fund of the treasury until the general fund is reimbursed for amounts paid on deficit of O. & C. fund, after



that to be paid to the State of Oregon as part of the permanent school fund. 25% for administration of this Act, provided that any part not so used shall be credited to the general fund for reimbursement for deficit on O. & C. fund. To Committee on Public Lands March 23.

## II. STATE LEGISLATION

(Includes only outstanding proposals likely to be of interest to Legislatures other than the one in which the Bill is introduced.)

### AGRICULTURE

Oregon. H. B. 393. Committee on Agriculture.

To create a commission to recodify the laws pertaining to agriculture and other laws administered by the Department of Agriculture and prepare drafts of laws for the next session of the legislature.

Approved March 12.

Wisconsin. S. B. 33. Joint Finance Committee.

To create the Home and Farm Credit Administration in charge of a Director appointed by the Governor. The Director shall assist needy farmers and home owners to obtain credit facilities, cooperate with the Federal government, conciliate between debtors and creditors, and secure aid for farms suffering from drought. There is to be appropriated \$30,000 for remaining fiscal year, \$50,000 July 1, 1937, \$50,000 July 1, 1938.

Approved March 18, Laws 1937, Ch. 26.

### DRAINAGE

Iowa. H. B. 490. Public Utility Committee.

To create a "Rural Power Authority" to promote and encourage the use of electric energy in rural areas by making it available at reasonable rates. The authority is empowered to create rural power districts upon application by resident landowners, and after hearing. The districts are authorized to acquire, construct, and operate rural electrification systems. The districts may borrow money to finance such projects.

Introduced March 17.

North Dakota. H. B. 125. Messrs. Hagen and Jenson.

To create a State Water Conservation Commission. The Commission is authorized to construct, after preparing plans and estimates, projects for individual owners or state-wide projects for the conservation and use of water. The Commission is authorized to make necessary surveys and investigations and plans to carry out a comprehensive state-wide program of water conservation. The Commission is authorized to issue revenue bonds to finance the projects. It may enter into contracts, leases and agreements with the Federal government or with



other states for the construction of any works or projects.  
Approved March 6.

North Dakota. H. B. 341. Mr. Wiwoehmer.

To establish a Mouse River Valley Authority for the purpose of developing a comprehensive program for the development of the water, agricultural, game, fish and recreational resources of the Mouse River Valley. All proposed water development or conservation projects within the Valley shall be submitted to the Authority before being undertaken, or such recommendations as in its judgment are necessary to harmonize the proposal with the general development of the water resources of the Valley as a whole. The Authority shall have the power and it shall be its duty to recommend, supervise and assist in the supervision of the construction of water development or conservation projects within the Valley. It may make rules and regulations relative to the use of the waters of the river for irrigation.

Approved March 10.

Utah. S. B. 195. Messrs. Frischknecht and Hopkins.

To amend the Water Code to authorize the State Engineer to enter into agreements with Federal and State agencies for cooperation in making surveys of water resources, snow surveys, investigating flood and erosion control, and adjudicating water rights, and providing for sharing expenses of such surveys.

Approved March 19.

#### GOVERNMENT ORGANIZATION

Kansas. H. B. 499. Mr. Wood.

To create a State Department of Conservancy to be composed of the State Commission of Conservancy and a Director of Conservancy. The Conservancy Commission of 7 members, appointed by the Governor, shall determine the conservancy policies relating to land, water, fish and game, and make rules and regulations covering design and construction of dams, bridges and flood control works. The Department shall administer all conservancy activities under the Act, cooperate with State and Federal agencies, and assume the powers and duties of forestry, fish and game commission, and Division of Water Resources of the Department of Agriculture, such agencies being abolished.  
Introduced February 23.

North Carolina. H. B. 266. Mr. Poole.

To reorganize the Department of Agriculture to be known as the Department of Agriculture, Immigration and Statistics under the control of a Commissioner of Agriculture. A Board of Agriculture is created consisting of the Commissioner of Agriculture as chairman and 10 members representing the different sections and agriculture of the State and appointed by the Governor. The Commissioner of Agriculture and the members of the Board shall be practical farmers engaged in their profession.

Approved March 15.





Ohio. H. B. 464. Mr. Petri.

To provide alternative forms of county government subject to adoption by the electors of any county. Provision is made for alternative forms containing the executive plan of administration. The options include the nomination of candidates by the manner provided by the general election laws, or by a non-partisan primary election, or nominated by petition only. Another option is the number of county commissioners which may be elected--three, five, or seven members. There is also provided an optional organization with the county executive serving as the head of the administrative department, or for the consolidation or separation of designated administrative departments, or the creation of divisions within any administrative department, and the distribution of functions. The county executive may be a county manager appointed or elected. Procedure is set forth for establishing alternative forms for administration by county commissioners.

Introduced February 11.

Oklahoma. H. B. 464. Mr. Beard.

To provide an additional and alternative form of county government. Provision is made for the establishment of a county manager form of government for counties at their option, and establishes a procedure for effecting a change in the form of government and fixing the powers and duties of officers.

Introduced March 15.

Wisconsin. A. B. 238. Mr. Biggs.

To authorize the Governor to require the reorganization of any commission, bureau or department where necessary to promote efficiency.

Introduced February 18.

Wisconsin. A.J.R. 72. Mr. Rubin.

To amend the Constitution to authorize the Legislature to confer upon the boards of supervisors of counties, local legislative and administrative powers, including additional powers to such board in a county whose government is consolidated with the government of the cities, villages and towns in such county to enable the board to effectively govern after such consolidation. The Constitution now provides that the Legislature shall establish but one system of town and county government as nearly uniform as practicable, and this amendment seeks to add power to the Legislature to provide for consolidation of counties.

To Committee on Municipalities March 17.

#### GRAZING

Idaho. H. B. 54. Livestock Committee.

To provide for the distribution of funds received under the Taylor Grazing Act. Such money is to be credited to the Range Improvement Fund of the county in which grazing districts lie,



to be expended on range improvement under the direction of District Advisers.

Approved February 10.

## INTERSTATE COMPACTS

Indiana. S. B. 85.

To establish a Commission on Intergovernmental Cooperation to be composed of five members of the Senate, five members of the House, and five members appointed by the Governor, for the purpose of encouraging and assisting in establishing and maintaining contacts with other States, Federal government, and local units of government. The Commission is also to facilitate the adoption of interstate compacts, uniform and reciprocal statutes, and provide for the interchange and clearance of research and information.

(Correction: H. B. 450 in Bulletin 12, p. 5, Amends S.B. 85 by giving additional powers to the Commission.)

Approved February 19.

North Dakota. S.B. 180. Mr. Coffey.

A compact with the States of Minnesota and South Dakota for the control, utilization and prevention of pollution of the waters of the Red River within the three states. Tristates Waters Commission of three members from each state as a corporation is created to make recommendations to the respective legislatures of legislation deemed advisable, to survey and study the water problems within the area and formulate programs of regulation in conformity with the laws of the respective states. Programs of work of an interstate character in the area prepared by state or local agencies shall be approved by the Commission before construction is begun. The Commission shall cooperate with Federal, State and local agencies in relation to any of its functions.

Approved March 10.

## LAND USE

Kansas. H. B. 606. Committee on Agriculture.

To authorize the creation of Soil Conservation Districts for the purpose of conserving soil resources and preventing and controlling soil erosion. This Bill is similar to the Standard Soil Conservation Districts Act of the Department of Agriculture. Introduced March 16.

Kansas. H.B. 607. Agr. Committee. S.B. 507. Agr. Committee.

To prevent soil erosion by making it the duty of each land owner to plant or cultivate the soil so as to prevent or minimize erosion. The Boards of County Commissioners after being advised by the Secretary of the State Board of Agriculture as to best methods of preventing erosion, shall after inspection order lands to be disced, listed, or cultivated in any other manner. The Commissioners shall confer with the owner and afford him opportunity to comply. If he cannot or will not, the Commissioners may have it done and pay for it from the county "Soil-



Drifting Fund."

Section 10 is to repeal H. B. 130 (Bulletin 9, p. 6).

Introduced March 16.

Kansas. S.B. 469. Mr. Calvert.

To authorize the creation of soil conservation districts for the purpose of preventing and controlling soil erosion. This is similar to the Standard Soil Conservation Districts Law of the Department of Agriculture.

Introduced February 23.

Minnesota. S. B. 1117. Messrs. Calvin and Carley.

H. B. 1393. Mr. Julkowski.

To authorize the creation of soil conservation districts for the purpose of engaging in conserving soil resources and preventing and controlling soil erosion. This bill is similar to the Standard Soil Conservation Districts Act of the Department of Agriculture.

Introduced March 15.

Nebraska. Bill No. 553. Mr. Norton.

To authorize the creation of soil conservation districts for the purpose of engaging in conserving soil resources and preventing and controlling erosion. This Bill is similar to the Standard Soil Conservation Districts Act of the Department of Agriculture.

To Agriculture Committee March 9.

North Dakota. S. B. 222. Mr. McGillic.

To authorize the creation of soil conservation districts for the purpose of engaging in conserving soil resources and preventing and controlling erosion. This Bill is similar to the Standard Soil Conservation Districts Act of the Department of Agriculture.

Approved March 16.

Ohio. S. B. 80. Mr. Walldvogel. H. B. 268. Mr. Richter.

To provide for the inspection, cleansing, rehabilitation or demolition of buildings, structures and premises injured by flood or fire. Upon inspection by a proper sanitary official such official shall report the rehabilitation and cleansing necessary to render property safe and fit for occupancy or, if necessary, the demolition of such buildings or structures to the owner of such property with a notice to carry out such recommendations within a reasonable time, and if the owner refuses to comply within a reasonable time the municipality or county may proceed to do the rehabilitation work or demolition in accordance with the findings, at the expense of the owner. Demolishing of dangerous or unsanitary property may only be done by the municipality or county on the specific order of the council or board.

Introduced February 3.

Oklahoma. S. B. 277. Mr. Paul.

To create a Farm Terrace Commission composed of Governor, President of the A. and M. College, and the Director of the Extension Division for the purpose of promoting the terracing



of farms and conservation of the soil. An appropriation of \$77,000 is made to be used by the Commission to encourage terracing and soil conservation. The Commission is authorized to award a thousand dollar prize for the best terracing in each county for the ensuing two years.

Introduced March 1.

Oregon. H. B. 114. Mr. Wagruder.

To appropriate \$5,000 for the next biennium to defray the expenses of soil, irrigation, and drainage investigation, including cooperative soil surveys, ground water surveys, fertility trials, including economic use of irrigation water, to aid in the most profitable development of the soil and water resources of the State. The investigation is to be under the management and control of the State Board of Higher Education.

Approved March 5. Laws 1937, Ch. 193.

## PLANNING

Minnesota. H. B. 1019. Mr. Chilgren.

To amend Laws of 1933, Chapter 436, so as to provide for rural zoning. Authority is conferred to regulate, restrict and determine the areas within which agriculture, forestry and recreation may be conducted, through the establishment of districts outside the limits of incorporated cities and villages, as may be necessary. All counties having more than 25% of their areas tax delinquent or in State or Federal ownership, are required to come within its provisions, but the others may elect to do so. There is to be organized a State Land Use Committee to classify the land in the counties coming under the act. On the basis of this classification and public hearings, each County Zoning Committee (authorized to be created) formulates a recommended zoning ordinance, which, before submission, must be subjected to the review of the State Land Use Committee. The judge of the district court is made arbiter of disagreements between these two Committees, and after agreement, it is submitted to the Board of County Commissioners for adoption. Further provision is made for enforcement, control of non-conforming use, and a State appropriation of \$50,000 to carry out the purposes of the Act.

Introduced February 26.

Oregon. S. B. 320. Mr. Carney.

To establish the Willamette Valley Advisory Board as an agency of the State Planning Board consisting of 5 or more citizens of the various counties within the Valley for the purpose of conducting necessary investigation, surveys and research, and recommending to Federal and other governmental agencies a program for projects and public improvements including flood control, irrigation, recreation and wildlife conservation. The Advisory Board shall assist in the formation of flood control, drainage, irrigation and improvement districts under existing State laws and aid such districts in completing the organizations. The Board shall also confer and cooperate with political subdivisions within the Valley in carrying out the improvement project and may hold hearings and







meetings for conducting an educational program for the development of the Valley. The Board shall act in an advisory capacity in cooperating with the State Planning Board, Army Engineers, and other governmental agencies.

Approved March 11. Laws 1937, Ch. 403.

#### PUBLIC FINANCE

New Jersey. S. B. 15. Mr. Loizeaux.

To appropriate \$1,716,616 in aid of public schools to be expended under the appropriation act of 1936 (approved June 24, 1936) by direction of the Commissioner of Education.

Approved February 10.

#### PUBLIC LANDS AND FORESTS

Alabama. Special Session. S. B. 140-VV. Mr. Weaver.

To amend the Code (1923 Section 959) to clarify and enlarge the duties of the Forest Commissioner relative to his authority to prescribe rules governing the use of forest lands.

Approved March 2.

Indiana. S. B. 144.

To consent to the acquisition by the United States of lands in Indiana for the wildlife conservation activities of the Federal government in cooperation with the State Department of Conservation.

Approved March 5. Laws 1937, Ch. 52.

Minnesota. H. B. 1413. Mr. Erickson.

To amend the law creating State forests (Laws of 1935, Ch. 372) for the purpose of perfecting title to forest lands in the State. The Bill enumerates particular forest areas which are to be included within the control of the State.

Introduced March 18.

Montana. H. B. 330. Mr. Chatham.

To authorize the State Board of Land Commissioners to accept lands suitable for forestry or park purposes and enter into agreements with the Federal government for the acquisition by lease, purchase or otherwise such lands as are desirable for State forests. The Board is authorized to expend unobligated funds to manage, develop and utilize such areas.

Approved March 16.

Oregon. H. B. 339. Mr. Young.

To establish a County Forest Land Classification Committee. The County Court of any county containing forest land may establish such a committee of five, one appointed by the State Board of Forestry, one by the Director of Agriculture Experiment Station, and three by the County Court; one of the latter is required to be the owner of grazing land and another to be owner of forest land. Upon establishment of the committee it shall investigate and study all forest land within the county and determine its suitability for the production of timber, grazing of livestock, or agricultural use. In the event no classification is made under the provisions of this Act within six months after the



effective date of the Act, the State Forester shall make such study and classification, which classification shall have the same effect as if made by the committee. The State Board of Forestry and the State Forester shall assist, whenever possible, in the development for grazing or agricultural uses of all forest lands so classified.

Approved March 11. Laws 1937, Ch. 381.

Oregon. S. B. 310. Mr. Clark.

To authorize the Board of County Commissioners to administer, operate, reforest, lease, or dispose of lands acquired by foreclosure of delinquent tax liens. If the County acquires by tax deeds 90% or more of the number of lots in any addition or subdivision, if the County Commissioners so desire, it may acquire the remaining lots from the owner by purchase or exchange and vacate the whole of such subdivision. The County Board may make such conditions and regulations of cutting and slash disposal deemed necessary in addition to the conditions and regulations of the forest fire law. Leases are limited to a period of ten years.

Approved March 11. Laws 1937, Ch. 402.

Oregon. S. B. 310. Mr. Clark.

To empower the County Courts (Boards of Commissioners) in co-operation with the Federal government to sell or exchange tax reverted forest lands, and to reforest cut- or burned-over timber lands. Procedures are set forth for the counties to acquire and dispose of tax delinquent lands and perfecting titles to such lands.

Approved March 11. Laws 1937, Ch. 402.

Pennsylvania. H. B. 739.

To appropriate from the State Forests and Waters Fund for the development of State forest and park lands under the jurisdiction of the Department of Forests and Waters, for payment to the Federal government, not to exceed 50 percent of the net profits from the sale of wood products resulting from the emergency conservation work projects, as determined by written agreement with the Secretary of Agriculture.

Approved March 16. Laws of 1937, Act No. 25.

## REAL PROPERTY

Montana. H. B. 89.

To extend the provisions of the mortgage moratorium (Laws 1935, Ch. 122). The period of redemption may be extended, by a court having jurisdiction, but in no event beyond March 1, 1939.

Approved March 3.

New Jersey. A. B. 432. Mr. DeVoe.

To create housing authorities in cities and counties to provide dwelling accommodations for persons of low income. The authorities have power within the area of their operations to prepare, acquire, lease, and operate housing projects or the construction thereof. They are to be given power to lease or rent any dwelling houses or accommodations or lands for any housing project; to procure insurance or guarantee from the Federal government for the



payment of any debts secured by mortgages on any property included in any such project. Investigations are to be made into housing conditions and means and methods of improving such conditions and to make available for appropriate agencies their findings and recommendations relative to any building or property where conditions exist which are dangerous to public health and welfare. Any two or more authorities may cooperate in the exercise of any other powers conferred for the purpose of financing, planning, or constructing a housing project. Powers are granted to issue bonds to be secured by a pledge of any revenue or mortgage from the project. The property of any authority is declared to be public and exempt from all taxes and special assessments of the city, county and State, but in lieu thereof the authority may agree to make payments to the taxing unit for improvements or governmental services rendered to the project.

To Judiciary Committee March 15.

New Jersey. A. B. 434. Mr. DeVoe.

To authorize cities and counties to aid Housing Projects by furnishing parks, streets, improvements, facilities and services. The political subdivisions may contract with the authority for payment of such services and facilities.

To Judiciary Committee March 15.

New York. A.B. 7-703. Mr. Alterman.

Where any building, which is leased or occupied, is destroyed or injured by the elements or any other cause as to be untenable and unfit for occupancy, and no express agreement to the contrary has been made in writing, the lessee or occupant may, if the destruction or injury occurred without his fault, quit and surrender the premises without being liable to the lesser or owner for rent subsequent to surrender. Rent paid in advance shall be adjusted to date of surrender.

Approved March 19. Laws 1937, Ch. 100.

North Dakota. S. B. 114. Mr. Strehlow.

To create housing authorities in cities and counties for constructing dwelling accommodations for persons of low income. Such housing projects, property and securities shall be exempt from taxation but political subdivisions are authorized to contract for payments in lieu of taxes.

Approved March 16.

Texas. H. B. 408. Mr. Reed.

To regulate real estate brokers and salesmen and authorize the Secretary of State to issue licenses and administer the regulations.

To Committee on State Affairs February 3.

H. A. HOCKLEY

